IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.45ll of 2005

Shri Suresh S Gavali....petitioner
vs
The State of Mah and ors ... respondents

Mr.M S Topkar for petitioner
Mr V.P.Malvankar AGP for State

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ.

Dated 3.8.2005

P.C:

. Heard learned counsel for the parties.

. The petitioner was working as a Principal of Shivajirao More College conducted by Priyadarshini Education and Research Institute at Kolhapur. The said college was permanently closed from Academic Year 2003-04 on account of failure of management to comply with the conditions of affiliation and mismanagement of the college by the trustees. The petitioner has been absorbed as a Senior Grade Lecturer in Venkatesh College,Ichalkaranji vide order dated 25.5.2004 of respondent no. 2 in terms of Government Resolutions issued by the State of Maharashtra from time to time in this behalf.

. Mr. Topkar contends that the petitioner cannot

be asked to work as a lecturer and further refusal to protect his payscale as a Principal was also illegal. According to him the petitioner was declared surplus when he was Principal and drawing salary in higher payscale and therefore the order of respondent no 2 amounted to demotion and refusal to protect payscale is also not sustainable.

. We do not find any merit in the contention of Mr.Topkar. Petitioner cannot claim absorption as a matter of right. He has been absorbed as a Senior Grade Lecturer in accordance with relevant Government Resolutions. The said Government Resolutions provide for absorption in the post of lecturer and not as a Principal. Hence no relief can be granted to the petitioner. Petition is dismissed.